

Tax Map/Block/Parcel
No. 58-5-193
Case 5940

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Laura Ganske
2318 Sykesville Road
Westminster, MD 21157

ATTORNEY: N/A

REQUEST: A request for a conditional use for a Commercial Kennel and variances to meet the distance requirements.

LOCATION: The site is located 1142 Deer Park Road, Westminster, MD 21157, on property zoned "A" Agricultural District in Election District 4.

BASIS: Code of Public Local Laws and Ordinances, Sections 158.070(E)(1)(i) and 158.040.

HEARING HELD: April 27, 2016

FINDINGS AND CONCLUSION

On April 27, 2016, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for a commercial kennel and variances to meet the distance requirements. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

The applicant, Laura Ganske, testified in the case. She is a dog groomer. She was looking for a shop which would allow her to continue to groom dogs. She could work part time at this location, could afford the rent and could continue to service her grooming customers at the location. The dimensions of the shop are 12' X 21'. It used to be known as "Joe's Barber Shop." She basically performs all of the grooming work herself. Although she has no employees, sometimes her husband, daughter or another relative might help her. There would be no boarding of dogs at the location. Most of the dogs would be in and out of the location within one and one half hours.

Robert Hayes, the owner of the property, testified in the case. He stated that he had owned the property for approximately twenty years. The shop started out as a barbershop owned by the owner of the property. After the barbershop ceased doing business the shop was used by

Ms. Utility for a time, a nail shop, and was also a ceramic shop. The shop had been in continuous use during the twenty years since he owned the property. The property is not suitable for a residence.

An April 6, 2016 memorandum from Lynda Eisenberg, Chief, Bureau of Comprehensive Planning and Nokomis Ford, Planning Technician, states that the subject property has a land use designation of agricultural. The staff finding is that this request is consistent with the 2014 Carroll County Master Plan and would not have an adverse effect on the current use of the property.

The Board found that the shop had been used for business purposes for more than forty years. The applicant would not be permitted to board dogs overnight with this approval of a commercial kennel. The Board approved a commercial kennel for the purposes of a dog grooming operation where no overnight boarding would be permitted.

The Board was convinced that authorization of the request with regard to a conditional use was consistent with the purpose of the zoning ordinance, appropriate in light of the factors to be considered regarding conditional uses of the zoning ordinance, and would not unduly affect the residents of adjacent properties, the values of those properties, or public interests. Based on the findings of fact made by the Board above, the Board found that the proposed project would not generate adverse effects (i.e. noise, traffic, dust, water issues, lighting issues, property depreciation, etc.) greater here than elsewhere in the zone. The Board approved the conditional use requested by the applicant. The Board also approved the variance requested by the applicant.

May 3rd, 2016
Date

Melvin E. Baile, Jr.
Melvin E. Baile, Jr., Chairman

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Land Use Article, Section 4-401 of the Annotated Code of Maryland.

Pursuant to Section 158.133 (H)(3) of the County Code, this approval will become void unless all applicable requirements of this section are met. Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.